

COURT FILE NUMBER **1901-12669**

COURT COURT OF QUEEN'S BENCH OF
ALBERTA
JUDICIAL CENTRE CALGARY

PLAINTIFF(S) KAILLIE HUMPHRIES

DEFENDANT(S) BOBSLEIGH CANADA SKELETON

DOCUMENT **AFFIDAVIT OF KAILLIE HUMPHRIES**

Clerk's Stamp

CLERK OF THE COURT
FILED
SEP 11 2019
JUDICIAL CENTRE
OF CALGARY

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT RATH & COMPANY
BARRISTERS AND SOLICITORS
282050 HIGHWAY 22 W
FOOTHILLS, AB T0L 1W2
ATTENTION: JEFFERY R. W. RATH
TELEPHONE: 403-931-4047
FACSIMILE: 403-931-4048

Let the within affidavit be
filed notwithstanding the
form of Notary Public Jurat.
Dated this 11th day of
September, 2019

AFFIDAVIT OF KAILLIE HUMPHRIES

Sworn on September 10, 2019

I, Kaillie Humphries, of the municipal district of Foothills, in the province of Alberta, have personal knowledge of the following or I am informed and do verily believe that:

1. I am the Plaintiff in the within action.
2. I submitted a harassment complaint with the Bobsleigh Canada Skeleton ("BCS") on August 22, 2018 against the Head Coach, Todd Hays, the President, Sarah Storey, and the High Performance Director, Chris Le Bihan, as a result of verbal and mental abuse I experienced during the 2017/2018 season.
3. Throughout the season I felt that Mr. Hays controls people with mind games and acts like your best friend one day, then your enemy the next. He puts people against each other and calls it motivating us when really it is a form of abusive conduct contrary to the Defendant's *Discrimination and Harassment Policy*.
4. As our new Head Coach, I tried working with Mr. Hays, giving him opportunities to change because I was asked to by Ms. Storey and Mr. Le Bihan, but it quickly became clear that he was not fit to coach. I did not feel safe in the team

I hereby certify this to be a true copy of
the original
dated this 11 day of Sept 2019
for Clerk of Court

environment that Mr. Hays had created and removed myself whenever possible.

5. Mr. Hays' behaviour, coupled with the failure on the part of Ms. Storey and Mr. Le Bihan to take corrective action, has taken a significant toll on me both mentally and physically. I have felt disrespected, degraded, demoralized, worthless, unsafe, emotionally exhausted, and overwhelmed, which I have since learned are symptoms of Post Traumatic Stress Disorder.
6. Since the filing of my harassment complaint, I have learned that Mr. Hays is the subject of similar complaints including claims of physical abuse of female athletes who are members of the United States Bobsled and Skeleton Federation.
7. As a result of the emotional and mental trauma I was subjected to, I began to experience headaches, which escalated to migraines, excruciating eye, neck and jaw pain, and trouble sleeping.
8. During a World Cup event in Park City, Utah, on November 17 and 18, 2017, Mr. Hays lost his temper at a meeting where we watched a video review of team dynamics and he screamed at me and verbally abused me in the presence of my teammates.
9. On December 13, 2017, in Igls, Austria, during another World Cup event, I texted Mr. Hays about needing 60 minutes of massage rather than the 30 minutes the massage therapist said I was allowed. I was advised by the massage therapist that Mr. Hays, as Head Coach, would be required to authorize more time. I advised Mr. Hays of my therapeutic needs and advised him that my performance would be impaired in the absence of such support. As a Canada 1 pilot, I held top rank. He claimed to take offence at my lack of concern for the needs of the other athletes and told me I should get the massage from the women's skeleton dedicated therapist. I felt I could get my point across better in person, so we met in the hotel. There were several witnesses, including people from the media and the International Bobsleigh and Skeleton Federation, and members of the USA bobsleigh team. It was clear by their body language and behaviours that they were able to hear our conversation.

I explained that I had not had a massage the week before and that I required it as part of my training regimen. Mr. Hays began to raise his voice and that I was not above the team and did not need more time. I said that in fact I held a higher rank than the rest of the team and that it was not personal, it was about performance. Mr. Hays became verbally abusive and loud. Other people were snickering and discussing us.

The disagreement escalated very quickly to personal and professional attacks. Mr. Hays said: "you do not deserve all the support you get"; "you demand too much of the staff and your teammates, and it's unwarranted"; "you are not liked, respected, or trusted by your fellow teammates"; "you should be the leader that your country needs, and you are falling short of that, not living up to their expectations, or mine"; "I want you to be the picture of perfection personally and

professionally, and you are far from that"; "I know what it takes to win, and your immature attitude clearly shows me you do not"; "you need to listen to me, and take my advice. I know what's best"; "you disappoint me"; "I see right through you, you are a bully"; "you should be lucky to get everything you have"; "you use your own personal coaches as a crutch"; "you need an attitude adjustment".

After over an hour of verbal insults attacking me personally and professionally in a public place with people watching, I began to cry out of frustration, hurt feelings, and astonishment at what he was saying. I said, "I'm leaving" and went to a restaurant where Ms. Storey was eating dinner with another coach and advised her of the verbal abuse I had suffered.

10. On December 13, 2017, right after the incident with Mr. Hays, I met Ms. Storey at a restaurant in Igls, Austria. I was crying, provided her notice of the abuse I was suffering, and asked to go home. She and another coach spent an hour listening to me recount what Mr. Hays had just said and done and asked me what I needed in order to remain and perform. I said I wanted nothing to do with Mr. Hays ever again and Ms. Storey said that was not possible because he was the Head Coach. I told Ms. Storey that I got yelled at every time I spoke to him, that there was no communication, respect or trust between us, and that if this is how he makes athletes feel by yelling demeaning things at them in a public setting, I could not be around him. Ms. Storey eventually agreed I would stay away from Mr. Hays for a while.
11. The following day, on December 14, Mr. Hays approached me as I was drinking tea in the crowded hotel bar and without consent rubbed my shoulder. I pulled away. We had the following exchange: "What, are you still mad at me?" "Yes." "For how long?" "I don't know." "Forever?" "No, but at least for a while." He replied "Well, I'm mad at you too" and walked away.
12. On February 2, 2018, during the opening ceremonies for the Olympic Winter Games, I noticed Mr. Hays running up and down the aisles giving away free stuff to the Finnish team, which was a major distraction that occurred five times. Then he sat down and started yelling down at other team members and staff: "the view is better from up here", "it's fun", and "are you seeing this shit?" It was apparent from his demeanor and behaviour that he had been drinking and appeared to be intoxicated.
13. On May 9, 2018, I met with Ms. Storey for seven hours to debrief the season. I discussed all the incidents and explained my feelings, and Ms. Storey agreed that I needed to seek professional help. Notwithstanding my complaints of abuse and harassment, Ms. Storey stated: "he's not going anywhere; he's the Head Coach so you're going to have to find a way to deal with it".
14. On July 7, 2018, I received an email from Ms. Storey inviting me to a meeting that would include Mr. Hays. I replied that I was not willing to speak to him and clarified that on numerous occasions I had spoken with BCS leadership about his

verbal and mental abuse, abuse of power, personal public embarrassment, and inappropriate behaviour with female athletes.

15. On July 8, 2018, I visited a doctor at Pure North and took the PHQ-9, a tool used to screen, diagnose, monitor, and measure the severity of depression. I scored a 13, which coupled with the consultation with the doctor, resulted in being diagnosed with Major Depressive Disorder. I was subsequently given 5-HTP, an amino acid that aids serotonin production.
16. After I filed my complaint with the Defendant, I did not receive any communication from them regarding the 2018/2019, including selection camps.
17. In March 2019, I contacted one of my previous teammates Kristen Bujnowski to see if she would push me during selections for the 2019/2020 season. She told me that she would push me if I was part of BCS.
18. On May 21, 2019, a request was sent to Stephen Norris, Vice-President for the Defendant, and Cody Sorensen, the Bobsleigh Athlete Representative for the Defendant, requesting to return to competition. Follow-up emails were sent to Mr. Norris and Mr. Sorensen regarding my request to return to competition on June 19, 2019, June 26, 2019 and July 9, 2019.
19. I was advised by previous teammates that the Defendant's national team camps were taking place in July and September 2019. I was not invited to participate in either of the camps. However, I was previously advised by the Defendant that according to their policies and procedures, any athlete that misses the camps without being excused is not eligible for funding that season.
20. My funding has since been withdrawn.
21. After the July camp I spoke with Kristen Bujnowski again to confirm that she would push me during selection. She told me that she could not push me during selections because BCS told the athletes that if any of them choose to support me, they will be out of favour with the coaches and their Olympic standing would be in question. I was also told that if I return, BCS would give me an old 2011 sled.
22. On August 3, 2019, I sent a letter to the BCS requesting a release letter by September 1, 2019 so that I can compete this upcoming season for the Women's National Bobsleigh Team under the United States Bobsled Skeleton Federation.
23. On August 22, 2019, Rath & Company received an email from Mr. Norris indicating that the Defendant would not provide the requested release letter until the independent investigation of my harassment complaint is concluded. See Exhibit 1.

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF San Diego }

Subscribed and sworn to (or affirmed) before me on this 10th day of September, 2019
Date Month Year

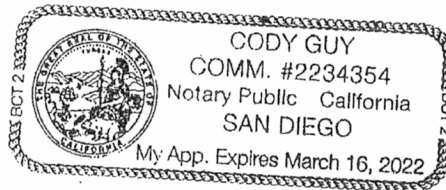
by Kaillie Christina Humphries

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: _____

Signature of Notary Public



Seal

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: aff of Kaillie Christina Humphries

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

24. For me to compete for the United States Women's National Bobsleigh Team this upcoming season, the International Bobsleigh and Skeleton Federation requires that I have changed my official residence, have been released by the Defendant and accepted by the United States Bobsled and Skeleton Federation. The United State Bobsled and Skeleton Federation provided their acceptance letter on September 6, 2019.
25. The United States Bobsled and Skeleton Federation has invited me to attend the push trial for the Women's Bobsled National Team on September 18, 2019 subject to me being released from the Defendant.
26. On September 6, my counsel sent another letter to BCS requesting that they provide a release letter by September 18, 2019.
27. The Defendant has replied by letter from legal counsel stating that they will not provide the release as requested.
28. It is apparent that the Defendant does not support my continued competition for Canada and is blocking my competing on the US team.
29. The failure to provide such release is willful and the Defendant knows that this will hamper my ability to compete against Canada for Team USA and that the refusal to provide the requested release will harm my career as an athlete.
30. The harm caused by the Defendant is not compensable in damages.

SWORN (OR AFFIRMED) BEFORE)
ME at Calgary, Alberta, this ____ day of)
September, 2019.)

(Commissioner for Oaths in and for)
the Province)
of Alberta))



Kaillie Humphries

date: sept, 10, 2019

PRINT NAME AND EXPIRY/LAWYER
/STUDENT-AT-LAW

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF San Diego }

Subscribed and sworn to (or affirmed) before me on this 10th day of September, 2019
Date Month Year

by Keillie Christina Humphries

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: _____

Signature of Notary Public



Seal

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Letter of sworn statement

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Katherine Newton

From: Deborah Ikede
Sent: August-22-19 7:08 AM
To: Katherine Newton
Cc: Debra Janzen
Subject: Fwd: Release letter request; Ms Kaillie Humphries.

Follow Up Flag: Follow up
Flag Status: Completed

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From: Stephen Norris <stephenrnorris@me.com>
Sent: Thursday, August 22, 2019 6:51:14 AM
To: Deborah Ikede <DIkede@rathandcompany.com>
Cc: CODY SORENSEN <sorensen.cody@gmail.com>
Subject: Release letter request; Ms Kaillie Humphries.

Dear Ms Ikede

The Board of Directors of Bobsleigh Canada Skeleton have met and discussed Ms. Humphries' request for release from BCS received on August 3rd, 2019. Ms. Storey recused herself from the discussion in light of the ongoing investigation matter referenced in the request.

Under the circumstances, and in full consideration of the rights and obligations of BCS and all its participants, BCS will defer consideration of the request for release until the independent investigation matter is concluded.

Thank you for your correspondence concerning this important matter. Mr. Sorensen and I were asked to reply on behalf of the Board of Directors of BCS since we were tasked with the overview of this particular investigation.

For your information and with regards,

Stephen Norris

Stephen R Norris, Ph.D.

Cell: +1 403 909 4697

Email: stephenrnorris@me.com

Skype: lstephenrnorris

Twitter: @1_StephenNorris

Web: www.stephenrnorris.com



KAILLIE HUMPHRIES
date: Sept 10, 2019

THIS IS EXHIBIT "_____" REFERRED
TO IN THE AFFIDAVIT OF

SWORN BEFORE ME THIS _____

DAY OF _____

A Notary Public, A Commissioner for
Oaths in the Province of Alberta